

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

|                          |   |                               |
|--------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA | ) | CRIMINAL NO. 1:07cr 265       |
|                          | ) |                               |
| v.                       | ) | Sentencing Date: May 16, 2008 |
|                          | ) |                               |
| INGRID DINA LEVY         | ) | Hon. James C. Cacheris        |

**Motion to Adjourn Sentencing Hearing**

Defendant Ingrid Dina Levy (“defendant”) respectfully moves this Court to adjourn the sentencing hearing in this matter from the scheduled date of May 16, 2008 for a period of Thirty (30) Days in order to allow defendant the opportunity to gather documents and records tending to prove that she in fact mailed merchandise to some or all of the victims listed in the draft pre-sentence investigation report.

Additionally, defendant further moves to hold the sentencing hearing on a day other than a Friday in order to allow the attendance and possible participation of several individuals who observe the Jewish Sabbath, which commences at sundown on Fridays.

**Adjournment For Records**

Defendant anticipates that the Government will argue at sentencing that the relevant conduct as part of her scheme to defraud will not be limited to the five victims who testified at the trial. Instead, the Government will likely argue that approximately forty additional persons were victims of defendants’ scheme to defraud. In order to defend herself against these yet unproven allegations, defendant requires certain records and documents that are not currently in her possession. Therefore, she is requesting that

the sentence be adjourned for a period of thirty days in order for her to acquire the required records.

Insofar as the trial evidence was largely limited to the five trial witnesses (Judson Burden, Clair Stancarone, Stacy Armstrong, Annamarie Siegler and the Federal Bureau of Investigation Special Agent acting in an undercover capacity), defendant prepared to defend against the allegations concerning these five individuals. In light of the Government's argument that relevant conduct extends to a total of forty-five (45) victims, the scope of this case has now widened to encompass these additional purported fraud victims. Therefore, defendant must prepare herself to defend these broader allegations at sentence. As a part of such preparation, defendant must attempt to secure records of different commercial delivery services such as Federal Express and United Parcel Service, which will demonstrate that deliveries were in fact completed to one or more of the persons listed by the Government as a fraud victim.

Defendant requires additional time to secure these records.

#### Adjournment To A Day Other Than A Friday

Defendant and her family follows and observes the Jewish religion. One of the basic religious precepts of the Jewish faith is to acknowledge and honor the Sabbath, which commences at sundown on Friday evenings. Observant members of the Jewish faith, such as Ms. Levy, her husband and their three young children, acknowledge and honor the Sabbath by, among other things, refraining from travel and from using certain mechanical equipment such as automobiles and other mechanized devices. Additionally, consistent with tradition, the Sabbath is a time for family to be together, to attend synagogue and to pray.

In addition, defendant has been in contact with several Rabbis who have known the Levy family and particularly Ms. Levy for many years and who have agreed to speak on her behalf at the time of sentence. These individuals would not be able to appear at the Courthouse on a Friday insofar as such travel would interfere with their Sabbath observance. Therefore, defendant respectfully moves to adjourn the sentence to a date other than a Friday.

Respectfully Submitted,

Date: April 30, 2008

By: /s/\_\_\_\_\_

Sarah E. Moffett (VSB No. 72208)  
LECLAIRRYAN, A Professional Corporation  
225 Reinekers Lane, Suite 700  
Alexandria, Virginia 22314  
Telephone: (703) 647-5930  
Facsimile: (703) 647-5980  
[Sarah.Moffett@leclairryan.com](mailto:Sarah.Moffett@leclairryan.com)  
***Counsel for Defendant Ingrid Dina Levy***

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30th day of April, 2008, I will electronically file the foregoing Motion to Adjourn Sentencing Hearing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Jay V. Prabhu  
United States Attorney's Office  
2100 Jamieson Avenue  
Alexandria, VA 22314  
(703) 299-3700  
(703) 299-3981  
[Jay.Prabhu2@usdoj.gov](mailto:Jay.Prabhu2@usdoj.gov)  
***Counsel for United States of America***

Steven D. Brown (VSB No. 42511)  
LeCLAIR RYAN, A Professional Corporation  
Riverfront Plaza, East Tower  
951 East Byrd Street, 8th Floor  
P.O. Box 2499  
Richmond, Virginia 23218-2499  
Telephone: (804) 783-7516  
Facsimile: (804) 783-7616  
Email: [Steven.Brown@leclairryan.com](mailto:Steven.Brown@leclairryan.com)  
***Counsel for Defendant Ingrid Dina Levy***

AND a true and correct copy was sent via First Class Mail to the following:

Marc Agnifilo, Esq.  
Brafman & Associates  
767 Third Avenue  
New York, New York 10017  
***Counsel for Defendant Ingrid Dina Levy***

/s/ \_\_\_\_\_  
Sarah E. Moffett (VSB No. 72208)  
LECLAIRRYAN, A Professional Corporation  
225 Reinekers Lane, Suite 700  
Alexandria, Virginia 22314  
Telephone: (703) 647-5930  
Facsimile: (703) 647-5980